

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:07-00075

JEREMY JOHNSON

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On December 10, 2013, the United States of America appeared by Lisa G. Johnston, Assistant United States Attorney, and the defendant, Jeremy Johnson, appeared in person and by his counsel, David R. Bungard, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Troy A. Lanham. The defendant commenced an eighteen-month term of supervised release in this action on October 3, 2013, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on April 29, 2013.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed oxycodone without a prescription and methamphetamine as evidenced by positive urine specimens submitted by him on October 17, 21, 24 and 29, 2013, and his admission to the probation officer that he possessed and used the controlled substances, and used and possessed Roxicontin without a prescription and methamphetamine as evidenced by his admission to the probation officer on November 18, 2013, that he used and possessed both two days earlier; (2) the defendant frequented locations where controlled substances were illegally sold and associated with individuals who were engaged in the use of illegal substances as admitted by him to the probation officer on October 17, 24 and 29, 2013; (3) the defendant failed to follow the instructions of the probation officer inasmuch as he was instructed to complete the week-long detoxification program at Highland Hospital and was enrolled on October 30, 2013, and was discharged on November 2, 2013, against the advice of the attending physician; and (4) the defendant failed to make

restitution payments as directed by the court inasmuch as he has not made a payment since November 16, 2010, and a balance of \$24,806 remains; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS. The court reimposes restitution in the amount of


\$24,806 and directs the defendant to make monthly payments as directed heretofore.

It is further ORDERED that the six-month term of imprisonment hereunder shall run concurrently with the six-month term of imprisonment imposed in Criminal No. 2:08-00180.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: January 13, 2014



John T. Copenhaver, Jr.
United States District Judge